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OFFICE OF PETITIONS

In re Application of :
Strasser et al. :
Application No. 10/608,450 : DECISION ON PETITION
Filed: June 27, 2003 :
Attorney Docket No. 9024.1011:

This is in response to the paper styled "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181(a)" filed February 13, 2006.

The application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed June 27, 2005. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). No extension of time considered timely filed and no reply considered received, a Notice of Abandonment was mailed on February 3, 2006.

In response, applicants promptly filed the instant petition. Applicants assert that a response, made timely by a certificate of mailing and an accompanying petition for extension for response to the second month, was mailed on November 28, 2005. Applicants acknowledge that the incorrect application number was inadvertently noted on the response.

Consideration of applicants' arguments is unnecessary. A review of the record reveals that the reply, including the extension of time, was received in the Office. Further, their receipt is considered timely as the reply (and extension) both bear a certificate of mailing dated (Monday) November 28, 2005. The

reply (and extension) is of record in the application, having been moved from the electronic record of the incorrectly identified application to the record of the instant application.

In view thereof, the notice of abandonment mailed February 3, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2837 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment and for the examiner to consider the response filed December 1, 2005 (certificate of mailing November 28, 2005).

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



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